

2SSB 5073 - S AMD 89

By Senators Parlette, Kohl-Welles

ADOPTED 03/02/2011

1 Beginning on page 28, line 7, strike all of sections 901, 902, and
2 903 and insert the following:

3
4 "NEW SECTION. **Sec. 901.** (1) By July 1, 2012, the department of
5 health shall, in consultation with the department of agriculture,
6 adopt rules for the creation, implementation, maintenance, and timely
7 upgrading of a secure and confidential registration system that
8 allows:

9 (a) A peace officer to verify at any time whether a health care
10 professional has registered a person who has been contacted by that
11 peace officer and has provided that peace officer information
12 necessary to verify his or her registration as either a qualifying
13 patient or a designated provider;

14 (b) A peace officer to verify at any time during ordinary business
15 hours of the department of health whether a health care professional
16 has registered a person as either a qualifying patient or a designated
17 provider, or an address as the primary residence of a qualifying
18 patient or designated provider; and

19 (c) A peace officer to verify at any time during ordinary business
20 hours of the department of health whether a person, location, or
21 business is licensed by the department of agriculture or the
22 department of health as a licensed producer, licensed processor of
23 cannabis products, or licensed dispenser.

24 (2) The department of agriculture must, in consultation with the
25 department of health, create and maintain a secure and confidential
26 list of persons to whom it has issued a license to produce cannabis
27 for medical use or a license to process cannabis products, and the

1 physical addresses of the licensees' production and processing
2 facilities. The list must meet the requirements of subsection (9) of
3 this section and be transmitted to the department of health to be
4 included in the registry established by this section.

5 (3) The department of health must, in consultation with the
6 department of agriculture, create and maintain a secure and
7 confidential list of the persons to whom it has issued a license to
8 dispense cannabis for medical use that meets the requirements of
9 subsection (9) of this section and must be included in the registry
10 established by this section.

11 (4) Law enforcement shall comply with Article I, section 7 of the
12 state Constitution when accessing the registration system for criminal
13 investigations, which, at a minimum, requires an articulated
14 individualized suspicion of: (a) Criminal activity; or (b) the
15 possession, use, manufacture, production, processing, delivery,
16 transport, or distribution of cannabis, whether criminal or
17 noncriminal.

18 (5) Registration in the system shall be optional for qualifying
19 patients and designated providers, not mandatory, and registrations
20 are valid for one year, except that qualifying patients must be able
21 to remove themselves from the registry at any time. For licensees,
22 registrations are valid for the term of the license and the
23 registration must be removed if the licensee's license is expired or
24 revoked. The department of health must adopt rules providing for
25 registration renewals and for removing expired registrations and
26 expired or revoked licenses from the registry.

27 (6) Fees, including renewal fees, for qualifying patients and
28 designated providers participating in the registration system shall be
29 limited to the cost to the state of implementing, maintaining, and
30 enforcing the provisions of this section and the rules adopted to
31 carry out its purposes.

32 (7) The department of health, in conjunction with the department
33 of agriculture, must establish and collect reasonable fees for the
34 dissemination of information to employees of state and local law

1 enforcement agencies relating to whether a person is a licensed
2 producer, processor of cannabis products, or dispenser, or that a
3 location is the recorded address of a license producer, processor of
4 cannabis products, or dispenser, and for the dissemination of log
5 records relating to such requests for information to the subjects of
6 those requests.

7 (8) During the rule-making process, the department of health shall
8 consult with stakeholders and persons with relevant expertise, to
9 include, but not be limited to, qualifying patients, designated
10 providers, health care professionals, state and local law enforcement
11 agencies, and the University of Washington computer science and
12 engineering security and privacy research lab.

13 (9) The registration system shall meet the following requirements:

14 (a) Any personally identifiable information included in the
15 registration system must be "nonreversible," pursuant to definitions
16 and standards set forth by the national institute of standards and
17 technology;

18 (b) Any personally identifiable information included in the
19 registration system must not be susceptible to linkage by use of data
20 external to the registration system;

21 (c) The registration system must incorporate current best
22 differential privacy practices, allowing for maximum accuracy of
23 registration system queries while minimizing the chances of
24 identifying the personally identifiable information included therein;
25 and

26 (d) The registration system must be upgradable and updated in a
27 timely fashion to keep current with state of the art privacy and
28 security standards and practices.

29 (10) The registration system shall maintain a log of each
30 verification query submitted by a peace officer, including the peace
31 officer's name, agency, and identification number, for a period of no
32 less than three years from the date of the query. Personally
33 identifiable information of qualifying patients and designated
34 providers included in the log shall be confidential and exempt from

1 public disclosure, inspection, or copying under chapter 42.56 RCW:
2 PROVIDED, That:

3 (a) Names and other personally identifiable information from the
4 list may be released only to:

5 (i) Authorized employees of the department of agriculture and the
6 department of health as necessary to perform official duties of either
7 department; or

8 (ii) Authorized employees of state or local law enforcement
9 agencies, only as necessary to verify that the person or location is a
10 qualified patient, designated provider, licensed producer, licensed
11 processor of cannabis products, or licensed dispenser, and only after
12 the inquiring employee has provided adequate identification.
13 Authorized employees who obtain personally identifiable information
14 under this subsection may not release or use the information for any
15 purpose other than verification that a person or location is a
16 qualified patient, designated provider, licensed producer, licensed
17 processor of cannabis products, or licensed dispenser;

18 (b) Information contained in the registration system may be
19 released in aggregate form, with all personally identifying
20 information redacted, for the purpose of statistical analysis and
21 oversight of agency performance and actions;

22 (c) The subject of a registration query may appear during ordinary
23 department of health business hours and inspect or copy log records
24 relating to him or her upon adequate proof of identity; and

25 (d) The subject of a registration query may submit a written
26 request to the department of health, along with adequate proof of
27 identity, for copies of log records relating to him or her.

28 (11) This section does not prohibit a department of agriculture
29 employee or a department of health employee from contacting state or
30 local law enforcement for assistance during an emergency or while
31 performing his or her duties under this chapter.

32 (12) Fees collected under this section must be deposited into the
33 health professions account under RCW 43.70.320."

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1 Renumber the remaining sections consecutively and correct any
2 internal references accordingly.

3 On page 34, beginning on line 27, after "under" strike "sections
4 901, 902, and 903" and insert "section 901"

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EFFECT: Rather than establish a patient registry and separate
lists of licensees, a single registry is established to include
patient and licensee information.

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